


PROGRAM DIRECTOR ACTION REQUEST

To: Ted Rauh, Deputy Director
Waste Compliance and Mitigation Program

From: 
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Prepared On: February 4, 2011

Subject: APPROVAL OF THE CALIFORNIA CITRUS STATE HISTORIC PARK
ARROYO CLEANUP, RIVERSIDE COUNTY, SOLID WASTE DISPOSAL
AND CODISPOSAL SITE CLEANUP PROGRAM (SOLID WASTE
DISPOSAL TRUST FUND, FY 2010/11)

REQUESTED ACTION:

Department of Resources Recycling and Recovery (Department) staff have completed an evaluation and recommend approval of the Department-managed California Citrus State Historic Park (Cal-Citrus SHP) Arroyo Cleanup pursuant to the Solid Waste Disposal and Codisposal Site Cleanup Program (Program).

Time Factor: Decision required no later than February 17, 2011.

Options: The Deputy Director may decide to:

1. Approve the proposed project;
2. Disapprove the project; or
3. Direct staff to provide additional information and bring the project back for future consideration.

Recommendation: Staff recommend Option 1.

PROJECT SCOPE:

Site Location/Description: Cal-Citrus SHP opened in 1993 as a living historical museum reflecting the citrus industry heritage. The 186 acres of citrus groves, managed by the California Citrus Non-Profit Management Corporation for the California Department of Parks and Recreation (Parks Department), produce navel and Valencia oranges, grapefruit and lemons. Revenues generated under a nonprofit management agreement help fund the Cal-Citrus SHP facilities and programs and maintain the citrus groves in the park.

At some point after the opening of Cal-Citrus SHP, debris was dumped along the top and upper side of an arroyo slope measuring approximately 800 feet in length. The debris primarily consists of concrete rubble, dead vegetation, and minor amounts of PVC irrigation piping.

Enforcement Actions: Although the concrete rubble and irrigation piping appear to have been removed from a water channel, Parks Department staff have not been able to identify any parties responsible (neither an irrigation-canal district nor hauler) for the illegal disposal. In addition, no parties responsible for the dumping of the vegetative waste have been identified.

Proposed Remediation Project: The Parks Department developed a project description contained in their Notice of Exemption, dated January 24, 2011, that is acceptable to the Cleanup Program. The project will consist of the removal of surface debris along the top and uppermost slope of the arroyo, the removal of debris for proper disposal and/or recycling, and the installation of Best Management Practices (BMPs) for erosion control. If any suspect hazardous waste is discovered during the cleanup project, the Parks Department will be notified immediately and appropriate measures will be implemented. To avoid any impacts to sensitive species, especially during the bird breeding season (March 15 – September 15), the Parks Department would prefer immediate Program assistance prior to March 15, 2011 and therefore not have to possibly delay the project until after September 15, 2011.

FISCAL IMPACTS:

Cost Estimate: The Program-managed portion of the project will be performed on a time-and-materials basis, with a preliminary cost estimate of \$150,000. Actual costs may vary depending on a variety of factors including, but not limited to the quantities and/or types of materials encountered, market forces, the required timeframes for cleanup, and competitive bids from subcontractors.

Funding: Funding for the project will be derived from previously encumbered funds from the Solid Waste Disposal Trust Fund in the Program's Southern California remediation contract

(DRR10009). The contract currently has \$1,000,000 in available funds from the Solid Waste Disposal Trust Fund and is adequately funded to complete this project.

Cost Recovery: Public Resources Code Section 48023 directs the Department to seek reimbursement for monies expended under the Program to the extent possible. With respect to the owner of this site, the Parks Department is a public agency charged with the responsibility of maintaining and improving nearly 300 parks and recreation areas in California for the enjoyment of all Californians and visitors. While the Parks Department was the property owner at the time of the illegal disposal, the dumping occurred in a remote area of the Park during this portion's development of infrastructure, facilities, and citrus groves. To prevent further illegal dumping, the Parks Department has notified and will continue to notify all Parks Department and non-profit employees to monitor this remote portion of the Cal-Citrus SHP and immediately report any unauthorized access. The Parks Department is also notifying surrounding neighbors and businesses of the proposed project.

Pursuant to Public Resources Code Section 48021(c), the Parks Department could have applied for a grant from the Department to abate the conditions at this site. The Department's Grant Program provides financial assistance in the form of full grants for illegal disposal sites owned by public entities to help them accelerate the pace of cleanup and restore such sites. As a grant is a bestowal of funds, cost recovery would have been inapplicable as to the Parks Department; however, the Parks Department has requested a Department-managed cleanup in lieu of a grant on the grounds that the Parks Department does not have sufficient financial and staff resources to implement this project in a timely manner. The Department may grant such a request in accordance with a 2006 amendment to the Cleanup Program statutes, which authorizes the Board to expend funds directly for the cleanup of a publicly owned site based upon a Department determination that the public entity lacks resources or expertise to timely manage the cleanup itself. [PRC Section 48021(b)(2)]. Based on the foregoing, waiver of cost recovery is recommended for this project.

To provide 'in-kind' services to help offset Cleanup Program expenditures, the Parks Department developed a Scope of Work, caused archaeological and biological surveys of the project area, filed a NOE for the project, and will provide other needed permits. In addition, the Parks Department will supply the Cleanup Program with daily feedback throughout the duration of the Program's cleanup effort and will provide a biologist and/or archaeologist if the need should arise.

Although the cleanup project is identified as an 'arroyo' clean up, the Parks Department has determined that the project does not require a 1600 Agreement, 404 permit or Regional Water

Quality Permit because efforts will occur far up slope from any blue line stream and because a citrus grove lies between the project area and any blue line stream.

BACKGROUND:

Program Eligibility: The Program addresses cleanup of solid waste disposal and codisposal sites where the responsible party either cannot be identified or is unable or unwilling to pay for a timely remediation and where cleanup is needed to protect public health and safety or the environment. Cleanup projects are implemented through Department-managed contracts, grants, and loans. Staff use adopted regulations and policies in determining site eligibility. Unless otherwise noted, actions proposed for this project are specifically eligible pursuant to the regulations.

Site Prioritization: Based upon the exposed solid waste, surface erosion, and the site's location within a State Park, the site is rated as an environment priority of A1. Priority A1 is a suspected condition of pollution or nuisance from solid waste based on comparison with state minimum standards with significant residential, industrial, park, recreation, or environmentally sensitive areas within 1,000 feet. In addition, other factors included in determining that the site meets the eligibility criteria as a priority for the Program is that the projects costs are within the ability of the Department to remediate the site with available funds, which is further facilitated by the amount of in-kind services provided by the Parks Department.

California Environmental Quality Act (CEQA): Program staff has reviewed the proposed project and determined that it is categorically exempt per the Class 8 exemption (14 CCR §15308: Actions by Regulatory Agencies for Protection of the Environment). Compliance with CEQA requirements will be made with a Notice of Exemption filed by the Program staff.

Support: Cleanup assistance was requested from the Parks Department. The Riverside County Solid Waste Local Enforcement Agency (LEA) appreciates and supports the Program's effort in assisting the Parks Department with the cleanup of the rubble dump.

Opposition: Staff has not received any written opposition at the time this document was submitted for approval.

FINDINGS:

On the basis of the information and analysis in this Request for Action, the Department hereby approves this project under the Solid Waste Disposal and Codisposal Site Cleanup Program.

In addition, the Department directs staff to prepare and file a Notice of Exemption for the project with the State Clearinghouse.



Ted Rauh, Program Director
Waste Compliance and Mitigation Program

FEBRUARY 9, 2011
Date

